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Paper No. 26

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In re Application of: David M. Oliver et al.)
Application No. 09/036,236)
Filed: March 6, 1998)
For: SYSTEM FOR MANAGEMENT OF)
TRANSACTIONS ON NETWORKS)

**DECISION ON SECOND
PETITION UNDER 37 CFR §
1.103(a) REQUESTING
SUSPENSION OF ACTION**

This is a decision on the petition under 37 CFR 1.103(a) filed on September 24, 2001 requesting suspension of action for a period of six (6) months in the instant application.

The petition states that applicant has requested a declaration of interference with Patent No. 5,815,665 and is hampered in gathering the necessary evidence due to inaccessibility and/or lack of cooperation of two of the originally named inventors. The fee set forth in 37 C.F.R. §1.117(i) of \$130.00 was paid with this submission.

The relevant sections of M.P.E.P. §709 and of 37 C.F.R. §1.103 which relate to this petition are reproduced below:

M.P.E.P. §709 Suspension of Action

A request that action in an application be delayed will be granted only under the provisions of 37 CFR 1.103, which provides for "Suspension of Action." A petition for suspension of action must be presented as a separate paper accompanied by the petition fee, must request a specific and reasonable period of suspension not greater than six months, and must present good and sufficient reasons why the suspension is necessary.

37 C.F. R. § 1.103 Suspension of action.

(a) Suspension of action by the Office will be granted for good and sufficient cause and for a reasonable time specified upon petition by the applicant and, if such cause is not the fault of the Office, the payment of the fee set forth in § 1.17(i). Action will not be suspended when a response by the applicant to an Office action is required.

Applicant requested a declaration of interference in the submission filed October 1, 1999. As part of the Final Office action of mail date 7 December 1999, Applicant was advised of the requirement of complying with 37 C.F.R. § 1.608(b). More than 23 months have transpired since the original requirement during which applicant had the opportunity to produce the required showing. In this period no further

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substantive action has been taken by either the Office or Applicant in the case. The application has previously been suspended twice for a total period of 9 months.

Accordingly, since there is no showing of good and sufficient cause to further delay prosecution, as required under 37 C.F.R. §1.103(a), the **REQUEST** for **SUSPENSION** is **DENIED**.

The application file is being forwarded to the Examiner of record for appropriate action.


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